

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH HEIM,

Plaintiff

v.

THE YORK COUNTY PRISON, *et al.*,

Defendants

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CIVIL NO. 3:CV-10-1369

(Judge Caputo)

O R D E R

AND NOW, this **8th** day of **APRIL, 2013**, in accordance with the accompanying memorandum, it is ordered that:

1. Defendants' Motion to Dismiss (Doc. 23) is **GRANTED in part and DENIED in part.**
2. Defendants' Motion to Dismiss claims against the York County Prison, the York County Solicitor's Office and the York County Commissioner's Office is **GRANTED.**
3. Defendants Motion to Dismiss claims against Warden Sabol, Deputy Warden Buono, and Solicitor Reihart is **GRANTED.**
4. Defendants' Motion to Dismiss the First Amendment claims against Complaint Supervisor Erni, Chaplain Bupp, CO Dubs and Captain Kluyber is **DENIED.**
5. Plaintiff's Motion to Dismiss (Doc. 26) is construed as Plaintiff's Opposition to Defendants' Motion to Dismiss.
6. Plaintiff's Motion to Dismiss (Doc. 26) is **DENIED as moot.**

7. Within twenty-one (21) days from the date of this Order, Plaintiff may file an amended complaint in this action in accordance with the foregoing Memorandum.
8. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing any amended complaint he may file.
9. Failure to file an amended complaint as directed within the required time will result in this action proceeding strictly on the claims not dismissed in this Order.

/s/ A. Richard Caputo

A. RICHARD CAPUTO

United States District Judge